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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,800	04/10/2001	Bernadette McGee	1148	1902

7590

02/21/2003

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EXAMINER

KRAMER, JAMES A

ART UNIT

PAPER NUMBER

3627

DATE MAILED: 02/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/829,800

Applicant(s)

INDENCE, BERNADETTE

Examiner

James A. Kramer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 14-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

PETITION

The petition under 37 CFR 1.182 filed on June 13, 2002 to change the surname of the Inventor from Indence to McGee is granted.

Power of Attorney

Examiner notes the accompanying Power of Attorney and will ensure that future correspondences are directed to the new attorney of record.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim recites the limitation "the hand-held device" in line 1. There is insufficient antecedent basis for this limitation in the claim. Examiner believes that applicant intended to have this claim depend from claim 15 and will therefore interpret claim as such.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14-23 as best interpreted by the Examiner are rejected under 35 U.S.C. 103(a) as being unpatentable over Gottsman et al. in view of Berlin et al.

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Gottzman teaches a method for advanced mobile shopping. In particular a shopper using a hand-held personal digital assistant (PDA) with an electro-optical scanner (column 1; lines 57-59) is able to capture product specific data (i.e. UPC code). Then, via a wireless modem attached to the PDA, the shopper can order a product by interacting with web server software utilizing an Intention Value Network.

Specifically, Gottzman teaches the user manually inputting preference data, based on his/her intentions (including delivery date) (column 37; lines 58-60 & 63-65). The Intention Value Network combines this preference data with the product specific data captured with the PDA and user specific data in the customer profile database. The system then sends this combined data to a Web/Application server that extracts the requested product information from supplier databases and customizes it based on the shopper's profile. After customization the system returns the data to the PDA where the customer can select a product and/or supplier and initiate purchase (column 38; lines 1-15).

Gottzman further teaches an Intention Value Network integrator which manages the relationship between the suppliers and the customer. In particular the integrator coordinates the suppliers' fulfillment of the consumer's intentions. It is inherent to the system that the product is delivered by the scheduled event data, since that date represents the customer's intentions. It is additionally inherent that the product can be delivered to a third party recipient, once again following the customer's intentions.

Finally as part of the Intention Value Network, Gottzman teaches an agent used to provide the customer with helpful tips and reminders. It is inherent to this system that a user could receives tips reminding them how much time they have left until the scheduled event (column 39; lines 27-30).

Gottzman does not teach visually inspecting the data entered.

Berlin teaches a method of distributing documents over a computer system where users have the ability to perform a visual inspection of the documents prior to accepting them for transmission. Berlin teaches visual inspection to ensure that a user agrees with the data before processing it. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the visual inspection of Berlin to the method of Gottzman in order

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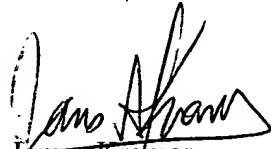
for a user to verify product data prior to submission to the Web/Application server, as well as to ensure that the user agrees with what will be transmitted.

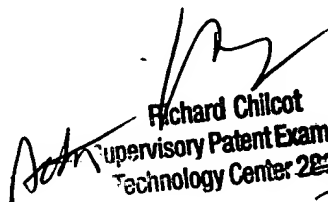
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (703) 305-5241. The examiner can normally be reached on Monday - Friday (8AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (703) 308-5183. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-9123 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.


James A. Kramer
Patent Examiner
February 12, 2003


Richard Chilcot
Supervisory Patent Examiner
Technology Center 2838
3600